

Notice of Allowability

Application No.

10/721,716

Examiner

Hai C. Pham

Applicant(s)

OHBA ET AL.

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 11/25/03.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/25/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: claim 1 is patentable over the prior art patents and printed publications because of the specific configuration of the image forming apparatus, which includes a light emitting diode array for emitting light and a lens array through which the light passes for forming an image composed of a plurality of dots on a photo conductor, the amount of the light emission of the light emitting diode being varied for a gradational representation of the each of the plurality of dots, and a defocusing means for imaging the light beam out of focus on the photo conductor when a percentage of a number of luminous dots changed in the amount of light emission among all of the dots composing the image is a predetermined value or larger. The combined limitations as claimed are not taught or fairly suggested by the prior art of record considered alone or in combination.

Claims 7 and 12 are patentable over the prior art patents and printed publications because of the specific configuration of the image forming apparatus comprising a photo conductor or plural photo conductors corresponding to a plurality of colors and wherein the defocusing means for imaging out of focus on the photo conductor the light corresponding to the color of high brightness among the plurality of colors. The combined limitations as claimed are not taught by the prior art of record considered alone or in combination.

Claims 2-6, 8-11 and 13-15 are allowed because they are directly or indirectly dependent from the aforementioned claims.

Kittaka et al. (U.S. 5,978,146) discloses an imaging optical apparatus comprising a plurality of light emitting elements and a rod lens array whose distance L to the image plane can be adjusted to compensate for the unevenness of the distribution of the quantity of light along the width of the image area. Kittaka et al. however fails to teach the adjustment of the location of the rod lens with respect to the image plane, e.g., by moving the rod lens array, being determined by a percentage number of the luminous dots change due to the variation in the quantity of light over a predetermined value.

Tsujiuchi et al. (U.S. 5,148,502) teaches a correlation between the three primary color images and the image defocusing, which mostly depends on the luminance of the color information. However, Tsujiuchi et al. fails to teach a remedy for correcting the variation of the brightness among the three primary colors by using a defocusing means as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM
PRIMARY EXAMINER

October 16, 2005